

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:
HAMPDEN-SMITH et al.

Serial No.: 09/815,380

Filed: March 22, 2001

Confirmation No.: 3937

Atty. File No.: 41890-01470

For: "ELECTROCATALYST POWDERS,
METHODS FOR PRODUCING POWDERS
AND DEVICES FABRICATED FROM
SAME"

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Examiner's Action having a mailing date of March 20, 2002 (Paper No. 6) with respect to the above-identified application.

REMARKS

In the Examiner's Action, the Examiner has restricted the invention under 35 U.S.C. § 121 to the following groups:

- I. Claims 1-46, drawn to electrocatalyst particles and process for preparing the particles, classified in Class 502, subclass 101;
- II. Claims 47-59, drawn to a method for making particles including a polymer phase, classified in Class 264, subclass 12 or 13; and
- III. Claims 60-74, drawn to an electrode assembly, classified in Class 429, subclass 40.

Applicants respectfully note that Group III should also include Claims 75-81, also directed to an electrode assembly.

Applicants hereby elect to prosecute the Claims of Group I, namely Claims 1-46.

Group Art Unit: 1755

Examiner: Patricia L. Hailey

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RESPONSE TO EXAMINER'S ACTION

O I P E JUL 23 2002 PATENT & TRADEMARK OFFICE
CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>July 22, 2002</u>
MARSH FISCHMANN & BREYFOGLE, LLP
BY: <u>Lynn Little</u> Lynn Little

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